

DAVID W. SHAPIRO (NYSBN 2054054)
United States Attorney
Attorney for Plaintiff

Filed

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**SEALED BY ORDER
OF THE COURT**

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CR 02 20086 JW

UNITED STATES OF AMERICA,
Plaintiff,

v.

PEDRO MAGANA-PANTOJA,
JUVENAL MAGANA-PANTOJA,
JUAN JOSE MAGANA,
ESTEBAN MORENO-GOMEZ, JR.,
LUCIANO ACEVEDO, and
JOSE ARMANDO ESCOBEDO REYES,
Defendants

No.

VIOLATIONS:

21 U.S.C. §841(a)(1) - Distribution of 500
grams or more of Cocaine; 21 U.S.C. §846 -
Conspiracy to Distribute 500 grams or more
of Methamphetamine; 21 U.S.C. §841(a)(1)
- Distribution of 50 grams or more of
Methamphetamine; 31 U.S.C. §5324(a)(3) -
Structuring Transactions to Evade Reporting
Requirement; 18 U.S.C. §922(o)(1) -
Transfer or Possession of a Machinegun; 8
U.S.C. §1326(a) - Reentry by Deported
Alien

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. §§841(a)(1) and 841(b)(1)(B)(ii))

On or about April 30, 2001, in the Northern District of California, the defendant

JUVENAL MAGANA-PANTOJA

did knowingly and intentionally distribute a controlled substance, to wit, 500 grams or more of
cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B)(ii).

INDICTMENT

1 COUNT TWO: (21 U.S.C. §§846 and 841(b)(1)(A)(viii))

2 On or about and between March 1, 2001 and September 30, 2001, both dates being
3 approximate and inclusive, in the Northern District of California, the defendants

4 PEDRO MAGANA-PANTOJA,
5 JUVENAL MAGANA-PANTOJA,
6 ESTEBAN MORENO-GOMEZ, JR., and
7 LUCIANO ACEVEDO

8 and others, did knowingly and intentionally conspire to distribute a controlled substance, to wit,
9 500 grams or more of methamphetamine, in violation of Title 21, United States Code, Sections
10 846 and 841(b)(1)(A)(viii).

11 COUNT THREE: (21 U.S.C. §§841(a)(1) and 841(b)(1)(B)(viii))

12 On or about May 24, 2001, in the Northern District of California, the defendants

13 PEDRO MAGANA-PANTOJA and
14 ESTEBAN MORENO-GOMEZ, JR.

15 did knowingly and intentionally distribute a controlled substance, to wit, 50 grams or more of
16 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and
17 841(b)(1)(B)(viii).

18 COUNT FOUR: (31 U.S.C. §5324(a)(3))

19 On or about and between May 23, 2001 and May 30, 2001, both dates being approximate and
20 inclusive, in the Northern District of California, the defendant

21 ESTEBAN MORENO-GOMEZ, JR.

22 did knowingly and for the purpose of evading the reporting requirements of Title 31, United
23 States Code, Section 5313(a) and regulations promulgated thereunder, structure and attempt to
24 structure the following transactions with Wells Fargo Bank located in Watsonville, California, a
25 domestic financial institution:

26	<u>Date</u>	<u>Amount</u>	<u>Description</u>
27	May 23, 2001	\$7,500	Deposit into Account #6469660922
28	May 24, 2001	\$7,500	Deposit into Account #6469660922
	May 25, 2001	\$2,000	Withdrawal from Account #6469660922
	May 25, 2001	\$7,000	Withdrawal from Account #6469660922

1 May 30, 2001 \$5,800 Withdrawal from Account #6469660922

2 All in violation of Title 31, United States Code, Section 5324(a)(3).

3 COUNT FIVE: (21 U.S.C. §§841(a)(1) and 841(b)(1)(B)(viii))

4 On or about June 27, 2001, in the Northern District of California, the defendants

5 PEDRO MAGANA-PANTOJA and
6 LUCIANO ACEVEDO

7 did knowingly and intentionally distribute a controlled substance, to wit, 50 grams or more of
8 methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and
9 841(b)(1)(B)(viii).

10 COUNT SIX: (18 U.S.C. §922(o)(1))

11 On or about June 27, 2001, in the Northern District of California, the defendants

12 JUAN JOSE MAGANA and
13 JOSE ARMANDO ESCOBEDO REYES

14 did knowingly and intentionally transfer and possess a machinegun, in violation of Title 18,
15 United States Code, Section 922(o)(1).

16 COUNT SEVEN: (8 U.S.C. §1326(a))

17 On or about and between April 1, 2001 and July 31, 2001, both dates being approximate and
18 inclusive, in the Northern District of California, the defendant

19 PEDRO MAGANA-PANTOJA,

20 an alien, having been previously arrested and deported from the United States on August 2, 2000,
21 was thereafter found in the Northern District of California, the Attorney General of the United
22 States not having expressly consented to a reapplication by the defendant for admission into the
23 United States, in violation of Title 8, United States Code, Section 1326(a).

24 COUNT EIGHT: (8 U.S.C. §1326(a))

25 On or about and between April 1, 2001 and July 31, 2001, both dates being approximate and
26 inclusive, in the Northern District of California, the defendant

27 JUVENAL MAGANA-PANTOJA,

28 an alien, having been previously arrested and deported from the United States on July 9, 1999,
was thereafter found in the Northern District of California, the Attorney General of the United

1 States not having expressly consented to a reapplication by the defendant for admission into the
2 United States, in violation of Title 8, United States Code, Section 1326(a).

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4 DATED: 7-3-02

A TRUE BILL.

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George K. Huff
FOREPERSON

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DAVID W. SHAPIRO
United States Attorney

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Elizabeth de la Vega
ELIZABETH DE LA VEGA
Chief, San Jose Office

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(Approved as to form *John N. Glang*
AUSA John Glang

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INDICTMENT